

1 expenditures, and also to firm up our '92 budget commitments
2 in capital. We also talked about the pending expansion of the
3 "Morning News," which at that point in time we were going to
4 expand it to a 90-minute newscast and there were staffing
5 levels associated to that and I wanted to go over the, the
6 budget impact of what we were doing in that area. We had
7 already approved prior to that the movement of, of going
8 forward with the newscast. I was looking at that point in
9 time in the, in the aspects of the budgetary/monetary impact,
10 how they do hirings, seeing what type of progress they had
11 made in starting up the "Morning News" expansion. Also spent
12 time with various department heads reviewing their operations
13 of their departments, their staffing levels, I talked to the
14 news director, the chief engineer, the business manager, the
15 director of human resources. At that point in time I did not
16 talk to the, the general sales manager on that visit. I also
17 spent some time with Emily and Arnie Kleiner in talking
18 general station operations.

19 JUDGE SIPPEL: Emily I take it is Ms. Barr?

20 THE WITNESS: Yes. Excuse me.

21 BY MR. MASTERS:

22 Q Do you recall specifically the subject you discussed
23 with Ms. Barr?

24 A No, I don't.

25 Q Do you recall specifically the subjects you

1 discussed with Mr. Kleiner?

2 A They would have been total station operations. We
3 did deal specifically, two things come to mind, and that was
4 the "Morning News" expansion and also capital expenditures.
5 We spent a great deal of time working on the expenditures for
6 '91 and '92 and the investment that we wanted to make within
7 the station.

8 Q Subsequent to this meeting on August 28th through
9 the 30th, were any staffing changes made at WMAR?

10 A I'm not awa-- I'm sure there was turnover.
11 Employees resign and leave and are rehired, new employees are
12 hired. Nothing in my mind that comes to mind as being
13 substantial.

14 Q Is that to say there were none or --

15 A Well, I can't say there were none. There was
16 turnover at the station on an ongoing basis all the time, so
17 I, I'm not going to testify there were no changes.

18 Q None that you can recall that directly stem from the
19 budget meetings, correct?

20 A Correct.

21 Q Now, during the period May 30th of '91 through
22 September 3rd, 1991, how often did you speak with Mr. Kleiner?

23 A As a newly-acquired station, I would say at least on
24 the average of once a week.

25 Q What generally did you discuss with him?

1 A Different policy items would come up. They were
2 working on preparing an '92 operating budget so we would
3 discuss how their methodology they had used in the past would
4 be used and conform to the Scripps Howard methodology. And
5 various policy items would come up regarding operations, how
6 Scripps Howard wanted things done versus what the station was
7 doing. In general, we found that with only a few exceptions
8 the way the station was being operated before conformed with
9 our standards. We wanted to tweak a few things. One
10 conversation comes to mind in which we had regarding paid
11 religious programming. The station prior to your ownership
12 did accept paid religious programming. Scripps Howard has had
13 a long-standing policy of not taking paid religious
14 programming and we discussed that. He was making a, a case
15 that he'd like to continue that. We did not change their
16 policy. We allowed him to honor the contracts that were in
17 place which was our obligation underneath the purchase
18 agreement but we instructed him not to enter into any new paid
19 religious programmings.

20 Q Did -- I'm sorry. Go on.

21 JUDGE SIPPEL: Let him, let him finish.

22 THE WITNESS: That was just one, one example of
23 that. We would also talk about policies, procedures in a wide
24 variety of operation matters. I don't recall anything
25 specific.

1 BY MR. MASTERS:

2 Q You don't recall any specific -- anything specific
3 as far as policies and procedures?

4 A There was -- we did have a conversation at one point
5 in time. I had sent out in July a memorandum to all the
6 general managers going over the reports and projects that were
7 due at the station level that would be submitted to the home
8 office -- one of my attachments to my testimony. And I do
9 recall a conversation with Arnie at that point in time in
10 going over the aspects of that. Particularly, one item that
11 we talked about -- well, there were a few -- quite a few items
12 on that report that we talked about. A lot in the personnel
13 and EEO area, we also talked about the ascertainment process,
14 the financial reporting. In general, we went down that list
15 pretty specifically in a lot of areas.

16 Q What did you and Mr. Kleiner discuss with regard to
17 the ascertainment process?

18 A If I remember specifically, a conversation with
19 Arnie in which he said, you know, we do ascertainments here,
20 we, we, we never discontinued ascertainments after the FCC
21 dropped the former requirement. And I'm saying -- I said to
22 him, "That's good because we, we want that to continue." And
23 I expressed to him that it's our desire to have the stations
24 ascertain the, the needs and, and the issues that confront the
25 community. And at that point in time we also had

1 conversations regarding children's programming because there
2 was -- though we weren't doing ascertainment of children's
3 issues at that time, that was a -- an issue that was on the
4 horizon for the fourth quarter of '91 so we, we had a
5 conversation regarding whether or not current ascertainment
6 processes could be also addressed to children's programming,
7 the new requirement that the Commission was going to move
8 forward with down the road. I'm also -- he also said to me
9 that -- well, I take that back, I was going to say something
10 else. But Dick Janssen had mentioned to me at a later date
11 that he had told Arnie to participate in a, in a market-wide
12 type of ascertainment process as a supplement to their ongoing
13 ascertainment of community and public leaders. So, we did
14 have conversations regarding ascertainment and basically a
15 reinforcement of what the station was doing prior to purchase.

16 Q When did the conversations regarding ascertainment
17 occur?

18 A I don't recall. My guess -- I, I -- late-July or
19 maybe early-August.

20 Q During the same period, May 30th of '91 through
21 September 3rd of '91, did you have any telephone conversations
22 or any other types of discussions with Emily Barr?

23 A There was one mentioned in the deposition when, when
24 you deposed me which I do not recall. I assume it took place
25 -- it was based upon a, a memo on a public affairs program

1 that she had sent me. I don't recall that specific
2 conversation. In, in general, it would not surprise me -- I
3 don't recall any specific phone calls with Emily Barr.
4 Approximately -- I would guess 60 percent of my time in the
5 office is spent on the phone.

6 JUDGE SIPPEL: Well, that's all right. You've
7 answered the question. Got another question, Mr. Masters?
8 You got to kind of ask them faster because he's going to keep
9 talking.

10 MR. MASTERS: Sage advice.

11 BY MR. MASTERS:

12 Q It's it correct that Mr. Kleiner's contract with
13 WMAR expired on December 31st, 1992?

14 A Contract with WMAR?

15 Q Contract as general manager at WMAR.

16 MR. HOWARD: Objection, Your Honor. Can I ask what
17 the purpose of this line of inquiry is?

18 JUDGE SIPPEL: Yeah --

19 MR. HOWARD: Seems, seems irrelevant. Seems
20 irrelevant.

21 MR. MASTERS: A, I would say it's again intended to
22 explore Mr. Shroeder's role at the corporation. And B, it
23 goes to potential bias or lack thereof of Mr. Kleiner.

24 JUDGE SIPPEL: I'll sustain, I'll sustain the
25 objection.

1 BY MR. MASTERS:

2 Q To your knowledge, did Scripps Howard give any
3 indication to Mr. Kleiner that he should be looking elsewhere
4 for a job?

5 MR. HOWARD: Objection.

6 JUDGE SIPPEL: Sustained.

7 BY MR. MASTERS:

8 Q Did you play any role in the decision to promote
9 Emily Barr to the position of assistant general manager in May
10 of 1993?

11 MR. HOWARD: Objection.

12 JUDGE SIPPEL: I'll let that question be asked.
13 I'll overrule that.

14 THE WITNESS: Yes, I did.

15 BY MR. MASTERS:

16 Q And what was that role?

17 A Arnie Kleiner had made the recommendation to promote
18 Emily earlier in '93 while the position of executive vice
19 president was not filled at the corporation. I had suggested
20 to Arnie that we wait. Since this was a promotion into a
21 higher management rank I did not want to make a decision that
22 would impact the overall management structure at that high
23 level without letting the person who would head up the
24 broadcast company be involved in that. When Frank Gardner was
25 hired in April of '93 I forwarded to him Arnie's

1 recommendation and my concurrence of that recommendation and
2 Emily received her promotion.

3 Q Was --

4 JUDGE SIPPEL: Let me just, let me just -- I just
5 want to just caution the witness. You are, you are
6 volunteering a lot of information in response to his questions
7 and I'm not, I'm not about to cut you off unless it, you know,
8 goes too far. But I just say for your own benefit, you only
9 have to ask the question -- answer the question, rather,
10 that's asked of you.

11 THE WITNESS: Thank you.

12 JUDGE SIPPEL: Go ahead, Mr. Masters.

13 BY MR. MASTERS:

14 Q Was the position of assistant general manager to
15 your knowledge open for general application?

16 MR. HOWARD: Objection.

17 MR. ZAUNER: Objection.

18 JUDGE SIPPEL: Sustained.

19 BY MR. MASTERS:

20 Q Did you interview Ms. Barr for the position of
21 assistant general manager?

22 A No, I did not.

23 MR. HOWARD: Objection. That's asked and answered.

24 MR. MASTERS: I don't believe it is.

25 JUDGE SIPPEL: Well, it may have -- this is part of

1 the problem with the, the long answers, but I'm -- let's,
2 let's, let's keep it going. I'm going to overrule the
3 objection. Go ahead.

4 BY MR. MASTERS:

5 Q Did you interview Ms. Barr for the position of
6 assistant general manager?

7 A No, I did not.

8 Q Do you know if Mr. Gardner interviewed Ms. Barr for
9 general -- assistant general manager?

10 A I don't know.

11 Q Let me refer your attention to Attachment B of your
12 testimony, Attachment B to Scripps Howard Exhibit 1. Have you
13 ever seen this document before, Mr. Shroeder?

14 A Yes, I have.

15 Q And when was that?

16 A During the preparation of the '92 budget for the
17 station which would have been my guess is August of '91.

18 Q Who prepared this document?

19 A Ken Lowe.

20 Q To your knowledge, was this document prepared after
21 the meeting at WMAR on August 28th and 30th of '91?

22 A No. It was prepared I believe prior to -- your --
23 my, my visit to the station, it was done prior to that.

24 Q Did you --

25 JUDGE SIPPEL: Wait, wait just a minute now. Which,

1 | which visit are you talking about?

2 | THE WITNESS: I think he's referring to my visit of
3 | late-August of '91.

4 | MR. MASTERS: That's correct.

5 | JUDGE SIPPEL: Can, can you give an approximate date
6 | to your knowledge as to when this, this document was, was
7 | prepared -- was -- I should say prepared in the sense that it
8 | came out in this form?

9 | THE WITNESS: Probably mid-August. One thing that
10 | leads me to that area is that the WMAR news budget is not
11 | included in this and we had not developed a news budget.

12 | JUDGE SIPPEL: All right. That's your, your,
13 | your -- that's, that's an explanation. But your recollection
14 | is mid-August?

15 | THE WITNESS: Correct.

16 | JUDGE SIPPEL: All right. Now, did you play any
17 | role in preparation -- up to mid-August?

18 | THE WITNESS: Yes.

19 | JUDGE SIPPEL: Would you tell -- what, what role did
20 | you play or roles did you play?

21 | THE WITNESS: I provided to Ken Lowe the upper --
22 | the information for the upper portion of this memo.

23 | JUDGE SIPPEL: What, what lines are those?

24 | THE WITNESS: The -- everything above "Local News
25 | Schedule," the, the news department comparison, all the way

1 down the mid-page, "Local News Schedule."

2 JUDGE SIPPEL: All right, and was the extent of your
3 participation in the preparation of this?

4 THE WITNESS: Yes. In addition, the asterisked item
5 at the bottom.

6 JUDGE SIPPEL: Is that it?

7 THE WITNESS: Yes, sir.

8 JUDGE SIPPEL: All right. Mr. Masters?

9 BY MR. MASTERS:

10 Q Let me refer your attention for a moment to
11 Attachment C of your testimony. Have you seen this document
12 before?

13 A Yes, I have.

14 Q And when did you first see this document?

15 A When Dick Janssen -- after his receipt -- sent me a
16 copy.

17 Q I noticed that on the first two pages of this
18 document there are a number of handwritten notations. Are
19 these yours?

20 A No, they're not.

21 Q Do you know whose they are?

22 A The -- other than the, the fax information in the
23 upper right-hand corner, the other notes were made by -- are
24 in Dick Janssen's handwriting.

25 Q Okay. Let me refer your attention to the last three

1 pages of that attachment, page numbers SH-1-0014 through 0016.

2 Mr. Shroeder, do you remember seeing these three pages before?

3 A Yes, I do.

4 Q Did you see them at the time that you saw the first
5 two pages?

6 A Yes, I did.

7 Q Mr. Shroeder, let me take you to paragraph 12 of
8 your testimony, and I'm on page SH-1-6. There is a sentence
9 here that says, "Accordingly, Scripps Howard gave the
10 responsibility of general manager of WMAR-TV and the position
11 of company vice president to Arnie Kleiner. Who made the
12 decision to retain Mr. Kleiner's as general manager?

13 A Would have been Dick Janssen.

14 Q Did you have any involvement in that decision?

15 A Yes, I did.

16 Q And what involvement was that?

17 A Well, prior to acquisition when we all visited the
18 station and through conversations we were -- every time we
19 were talking to a manager there was also an evaluation
20 process, be it informal, we were gathering opinions and
21 appraisal of the manager's performance. And since we had been
22 involved in acquiring the station for over a year, we got to
23 know the managers, and particularly Arnie Kleiner. I also
24 made reference checks, checks within the industry on his
25 performance and reputation.

1 Q There -- is there any written memorialization of
2 this whole process?

3 A Not that I'm aware of.

4 Q Is it correct that all general managers of Scripps
5 Howard television stations were made company vice presidents?

6 JUDGE SIPPEL: What, what do we -- do we really care
7 about that? I mean, what's the relevance of that for purposes
8 of --

9 MR. MASTERS: Right now, Your Honor, I'm focusing in
10 on the portion of that sentence saying, "and the position of
11 company vice president," and my question is whether as a
12 matter of course all general managers were given that title.

13 MR. HOWARD: Still, that doesn't answer the question
14 of the relevance to this proceeding.

15 JUDGE SIPPEL: I don't, I don't know where you're
16 going to go with this. If you're going to establish something
17 and then, and then use that as a, as a handle to, to, to, to
18 ask something more penetrating or is this -- I'm trying to
19 find out what it is you have in mind in terms of where you're
20 going with the cross-examination on this point.

21 MR. MASTERS: Well, the testimony here says Scripps
22 Howard -- it makes a point of saying Scripps Howard gave the
23 position of company vice president to Mr. Kleiner and what I'm
24 trying to establish is that this was routine as to all general
25 managers at the Scripps Howard television stations.

1 JUDGE SIPPEL: I'm, I'm -- let's -- I'm going to
2 instruct you to move on to another area.

3 BY MR. MASTERS:

4 Q Mr. Shroeder, during the renewal period, again, May
5 30th of '91 through September 3rd of '91, did you send Mr.
6 Kleiner anything in writing as to how he should be doing
7 ascertainment?

8 A The only document in writing that pertained to that
9 would have been the report in mid-July I believe it was which
10 made reference to an ascertainment process.

11 Q Okay. Did you send him anything in writing as to
12 -- and when I say him I mean Mr. Kleiner -- as to how WMAR
13 should be doing issue-responsive programming?

14 A No, I did not.

15 Q When Scripps Howard bought WMAR were any written
16 policy memos sent to Mr. Kleiner?

17 A There -- we had a collection of standard operating
18 procedure memorandum that were collected in the files as part
19 -- you know, over the period of time of owning TV stations.
20 I'm not aware if that group was copied and given to Arnie or
21 not.

22 Q You're not sure?

23 A I'm not sure.

24 Q Did you send Mr. Kleiner or anybody at WMAR-TV
25 during this period May 30th to September 3rd any forms for

1 doing community ascertainment?

2 A I did not.

3 Q Do you know if anybody else at Scripps Howard did?

4 A I'm not aware of it.

5 Q Did you send to WMAR-TV during this same period any
6 instructions on how to perform issues programs lists?

7 A I did not.

8 Q Let me refer your attention to Attachment F or your
9 testimony. If you'd take a moment just to give it a glance.
10 You've spoken a couple times about -- I believe about a July
11 memo that talks about reports to be sent by the Scripps Howard
12 stations. Is this that memo?

13 A Yes, it is.

14 Q And I take it that you composed this memo?

15 A I did.

16 Q And you did so on or about July 18th of '91?

17 A Correct.

18 Q To your knowledge, was this sent to Mr. Kleiner?

19 A It was.

20 Q Let me draw your attention to the second page of
21 Attachment F. The number at the bottom is SH-1-0025. Now,
22 Mr. Shroeder, I assume that all of these requirements for
23 various reports were in effect during the May 30th to
24 September 3rd, 1991 period. Is that correct?

25 A Yes.

1 Q Let me draw your attention down to the bottom of
2 this page, SH-1-0025, under the category where it says,
3 "Administrative/FCC/Other." Do you see that?

4 A Yes, I do.

5 Q Second line down in that category says, "General
6 manager's report." During the period May 30th to September
7 3rd of '91, did you get any general manager's reports from
8 WMAR?

9 A Not that I recall.

10 Q Do you know if anyone else received any general
11 manager's reports?

12 A Not that I'm aware of.

13 Q And I assume at the time documents were produced in
14 this proceeding you made a search of the Scripps Howard files
15 to check if such reports existed.

16 A Yes, I did.

17 Q Now, a few lines down, it's the fifth line down in
18 this "Administrative/FCC/Other" category. It says, "Problems
19 issues report." Is it your understanding that this report is
20 the same as issues programs lists?

21 A Yes.

22 Q During the period May 30th to September 3rd, 1991,
23 did you receive any issues programs lists from WMAR?

24 A No, we did not.

25 Q Anybody else at Scripps Howard to your knowledge

1 receive such lists?

2 A No, we did not.

3 Q Do you know how WMAR prepares its issues programs
4 lists?

5 A I'm not aware of the exact mechanics of that. I
6 know the general methodology of preparing a list and the
7 ascertainment process that leads up to that.

8 Q As a general matter. Is that correct?

9 A Correct.

10 Q During this same period, May 30th through September
11 3rd, 1991, did you receive any other reports on public affairs
12 programming at WMAR from the station?

13 A Not that I'm aware of.

14 Q Did anybody else at Scripps Howard to your knowledge
15 receive such reports?

16 A Not that I'm aware of.

17 Q During this same period, May 30th through September
18 3rd, '91, did you receive any reports on public service
19 announcements from the station?

20 A No, we did not.

21 Q And to your knowledge, did anybody else at Scripps
22 Howard receive that?

23 A No --

24 MR. ZAUNER: May I get a point of clarification?
25 These questions are going to reports in writing. Is that

1 correct?

2 MR. MASTERS: That is correct.

3 MR. ZAUNER: And is that the witness's understanding
4 in answering all of these questions? I think that might be
5 material point.

6 THE WITNESS: Yes, it is. The schedule doesn't call
7 for any during that period either.

8 BY MR. MASTERS:

9 Q Okay. We'll get into that in a minute. During this
10 same period, May 30th to September 3rd, 1991, did you receive
11 any written reports from department heads of WMAR-TV?

12 A No. The only thing that comes to mind, in the
13 deposition I was shown an exhibit of a memo from Emily Barr
14 which I did not recall but I must assume that I did receive it
15 during that period.

16 Q The memo that you referred to or that you're saying
17 you referred to in the deposition, do you recall when that
18 occurred?

19 A I don't, I don't recall the exact date.

20 Q Let me take you up to the top of this same page, SH-
21 1-0025, there's a category under "Programming," and six lines
22 down it says, "Program Analysis Report." During the period
23 May 30th through September 3rd, 1991, did you get any program
24 analysis reports from WMAR-TV?

25 A No, I did not. They were not due during that

1 period.

2 JUDGE SIPPEL: Your, your question does assume
3 written reports?

4 MR. MASTERS: Yes, it does.

5 BY MR. MASTERS:

6 Q Let me take you back down to the bottom of that
7 page, again under "Administrative/FCC/Other." Fourth line
8 down, it says, "Community Ascertainment Report." Between May
9 30th and September 3rd, 1991, did you receive any community
10 ascertainment reports from WMAR-TV?

11 A No, I did not.

12 Q To your knowledge, did anyone in Scripps Howard
13 corporate offices receive such reports?

14 A No written reports that I'm aware of.

15 Q Did you receive any community ascertainment reports
16 between September 3rd and September 30th, 1991?

17 A Not written reports that I'm aware of.

18 Q And to your knowledge, did anyone else at Scripps
19 Howard corporate headquarters receive such reports?

20 A Not that I'm aware of.

21 Q From May 30th of '91 to September 30th of 1991, did
22 you receive any calls from Emily Barr asking about community
23 ascertainment reports?

24 A Not that I recall.

25 Q Now, at any point subsequent to this July 18th, 1991

1 memo, did you call anyone at WMAR and ask where any of these
2 reports on this memo were?

3 A Any reports on this memo? Well, I -- as I mentioned
4 earlier, I had a conversation with Arnie Kleiner regarding
5 this request or this project report summary here.
6 Approximately 80 percent of these reports were received by
7 the, by the corporate office and the reports that you
8 mentioned were due on a quarterly basis. And since Arnie only
9 knew about this in July of '91, there were no third-quarter
10 reports submitted.

11 Q Um-hum.

12 A I mean, we were not after the station to recreate
13 records of a requirement that we gave them in the middle of
14 the quarter.

15 Q Let me draw your attention back to the community
16 ascertainment report listing in -- that's down under
17 "Administrative/FCC/Other," the fourth line. Under "Due
18 date," it says, "Quarterly by the 15th." Is that correct?

19 A Correct.

20 Q So, is it fair to assume that since you bought the
21 station in May 30th of -- on May 30th of '91, you would have
22 expected to receive such reports on June 15th, July 15th,
23 August 15th?

24 A No. The -- what's meant by quarterly by the 15th is
25 that the first expected due date of this report would be

1 October 15th of '91. I wouldn't expect a report due on July
2 15th if I'd given the memo on July 18th. So, it's only
3 received four times a year on the 15th of the first month of
4 the quarter.

5 Q Okay. I see what you're talking about. How about
6 the general manager's report? Now, that one says "Monthly by
7 the 15th."

8 A Correct. I did not receive that report.

9 Q Did you ever call Mr. Kleiner and ask where it was?

10 A No, I did not.

11 Q At the budget meeting that occurred in late-August,
12 your visit to the station, did you ask Mr. Kleiner if he had
13 any general manager's reports for you?

14 A The subject did not come up.

15 Q Between May 30th, 1991 and September 3rd, 1991, did
16 you receive any documents from WMAR relating to the station's
17 involvement in community activities?

18 A None that I recall specifically. We did receive
19 budget information which by allocating financial monies to
20 public affairs you could imply that it involved community
21 activities, but not any written reports summarizing what they
22 were doing, no.

23 Q Okay. Let me direct your attention to paragraph 15
24 of your testimony, on page SH-1-8. First sentence says,
25 "WMAR-TV was given some time to adapt fully to Scripps

1 Howard's reporting policies." Who, who gave WMAR time to
2 adapt?

3 A Depending upon the report, it would have been the
4 person who was receiving the report; whoever the report was
5 being sent to.

6 Q And so -- well, let me ask this question. How many
7 people at Scripps Howard corporate headquarters were receiving
8 these reports?

9 A There would have just been three of us primarily,
10 Dick Janssen, Ken Lowe and myself.

11 Q So, the three of you made that decision to give --

12 MR. HOWARD: Objection. That's mischaracterizing
13 the testimony that the three made the specific decision.

14 JUDGE SIPPEL: Well, I'll sustain the objection but
15 you can rephrase the question. Identify who the persons were
16 who were responsible for, for the decision.

17 BY MR. MASTERS:

18 Q So, the persons responsible for the decision to give
19 WMAR time to adapt to Scripps Howard reporting policies were
20 yourself, Mr. Lowe and Mr. Janssen. Is that correct?

21 A Correct.

22 Q Did the three of you reach this decision
23 independently?

24 A It was done on a independent basis on an individual
25 report basis.

1 Q Are there, are there any written memos or anything
2 in writing that says WMAR can have time to adapt to these
3 reporting policies?

4 A Not --

5 MR. ZAUNER: Your Honor, I'm going to object to this
6 line of questioning. It's going on and on and it seems to me
7 the, the point is whoever did it, the fact is that WMAR-TV was
8 given some time to adapt fully to Scripps Howard's reporting
9 policies. Whether one man made that decision or whether they
10 made it jointly, whether they argued over it, it's, it's just
11 wasting our time.

12 JUDGE SIPPEL: Okay. Mr. Zauner, we'll, we'll --
13 yeah, we'll take a break in about 10 minutes. I'm going to
14 let you develop this a little bit more because it is -- this
15 is how they portrayed it in, in, in their affirmative case.

16 MR. ZAUNER: I realize that, Your Honor.

17 JUDGE SIPPEL: And, and it's -- it is not going as
18 fast as we'd like it to go and I appreciate your, your, your
19 concern. But it is relevant. I'm going to permit it. I'm
20 hoping it's going to go along a little bit faster. Go ahead,
21 Mr. Masters.

22 BY MR. MASTERS:

23 Q So, to your knowledge, is there any written
24 memorialization of any decision by Mr. Lowe, Mr. Janssen or
25 yourself to give WMAR time to adapt to these reporting

1 policies?

2 A Not that I'm aware of.

3 Q Now, is it correct that during the period May 30th
4 of '91 to September 30th, '91, Scripps Howard received
5 financial reports from WMAR-TV?

6 A Yes, it is correct.

7 Q And is it correct during that same period Scripps
8 Howard received sales reports from WMAR-TV?

9 MR. HOWARD: Objection, Your Honor. Is this --
10 we've covered -- this is really covering territory that's, A,
11 been covered, and B, is not probative of anything relevant to
12 this case.

13 MR. MASTERS: Well, Your Honor, I haven't covered
14 financial reports or sales reports. I've taken him through a
15 few on this page. We haven't discussed financial or sales
16 reports at all.

17 MR. HOWARD: Why should --

18 JUDGE SIPPEL: Well, there was -- we, we started --
19 well, I think -- well, the financing, I've, I've, I've been
20 waiting for you -- I, I started asking a couple of questions
21 to focus -- find out where this witness stood with respect to
22 his preparation on one of these financial documents and then
23 you moved off of it. I, I hope I didn't chase you off of that
24 document. But I can understand your questions on the
25 financing, but I don't understand the questions on the sales

1 that much in terms of the sales policies. When I say I don't
2 understand them, I mean -- I say I don't understand the
3 relevance of it. What, what --

4 MR. MASTERS: Well, I think I can bring it home in
5 just a few more questions if you'll allow me that.

6 JUDGE SIPPEL: Yeah, yeah, I will allow a few, a few
7 more questions. And, and any other area you want to get into
8 is finances?

9 MR. MASTERS: No.

10 JUDGE SIPPEL: All right. All right, yeah --

11 MR. MASTERS: At least not immediately.

12 JUDGE SIPPEL: Well, we're going to, we're going to
13 bring it to a head. I'll give you two more questions on sales
14 and then let's move on.

15 BY MR. MASTERS:

16 Q Now, is it correct that during the period May 30th
17 to September 3rd, 1991, Scripps Howard corporate headquarters
18 received sales reports from WMAR-TV?

19 A Yes.

20 Q So, see if I have this straight. Is it correct that
21 during the period of May 30th through September 3rd, 1991,
22 Scripps Howard received sales and financial reports from WMAR
23 but did not receive community ascertainment reports, is that
24 correct?

25 A Yes. I'd like to expand on that a --